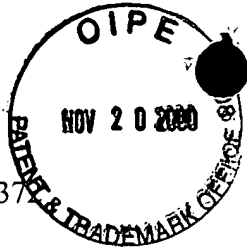


PHLY-25,37



Patent

Sector \$
#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffry Jovan Philyaw

Serial No.: 09/627,197

Filed: July 27, 2000

Group No.: 3661

For: BATTERY PACK HAVING INTEGRAL OPTICAL READER FOR
WIRELESS COMMUNICATION DEVICE

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to Assistant Commissioner for Patents, Washington, DC 20231 on
November 15, 2000
(Date of Deposit)

Assistant Commissioner for
Patents
Box Missing Parts
Washington, D.C. 20231

John J. Arnott
(Name of Person Mailing Document)
(Signature) *John J. Arnott* REG. No. 39,095
(Date of Signature) 11/15/00

Dear Sir:

**SUBMISSION OF MISSING PARTS OF APPLICATION
UNDER 37 C.F.R. 1.53**

Enclosed are the following items for filing in the above-referenced U.S. Patent
Application:

1. Declaration and Power of Attorney, executed by the Applicant on August 24, 2000.
2. Verified Statement claiming Small Entity Status, executed on August 24, 2000.
3. Copy of Form PTO-1533 - Notice to File Missing Parts of Application.
4. Copy of the Assignment to Digital:Convergence Corporation, executed on November 1, 2000 with recordation cover sheet.

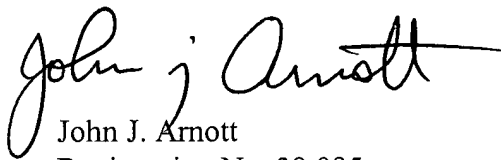
5. Check in the amount of \$703.00 to cover the following:

- a. The filing fee (37 C.F.R. 1.16(a) et seq.) of \$598.00;
- b. the surcharge set forth in 37 C.F.R. 1.16(e) of \$65.00; and
- c. the Assignment recordal fee of \$40.00.

Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,372 of HOWISON, CHAUZA, HANDLEY & ARNOTT, L.L.P.

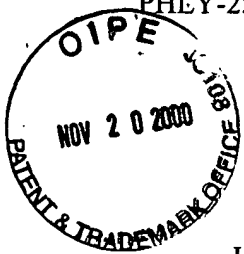
Respectfully submitted,

HOWISON, CHAUZA, HANDLEY & ARNOTT, L.L.P.
Attorneys for Applicant



John J. Arnott
Registration No. 39,095

JJA/aw
P.O. Box 741715
Dallas, Texas 75374-1715
972/479-0462
November 15, 2000



**STATEMENT CLAIMING SMALL ENTITY STATUS --
SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern identified below and am empowered to act on behalf of the concern:

DigitalConvergence.:Com Inc.
9101 N. Central Expressway, Suite 600
Dallas, Texas 75231

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees, in that (1) the number of employees of the concern including those of its affiliates, does not exceed 500 persons, and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the below-identified invention to any person who could not be classified as an independent inventor if the person had made the invention, or to any concern which would not qualify as a small business concern or as a nonprofit organization. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

**BATTERY PACK HAVING INTEGRAL OPTICAL READER FOR WIRELESS
COMMUNICATION DEVICE**

and for which application for Letters Patent of the United States was filed on July 27, 2000 and assigned Serial No. 09/627,197 by inventor(s), Jeffry Jovan Philyaw.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.29 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or any patent issuing thereon.

DigitalConvergence.:Com Inc.

By: _____

Jeffry Jovan Philyaw

Its: _____

Chief Executive Officer

Date: _____

8/24/2000



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/627,197 | 07/27/2000 | Jeffry Jovan philyaw | PHLY-25,372 |

Howison Chauza Handley & Arnott LLP
P O Box 741715
Dallas, TX 75374-1715

FORMALITIES LETTER



OC000000005400878

Date Mailed: 09/15/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 345 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$231.
 - \$153 for 17 total claims over 20.
 - \$78 for 2 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- Small Entity Statement is unsigned.

- The balance due by applicant is \$ 641.

11/27/2000 BHABTEW 00000097 09627197

| | |
|-----------|----------|
| 02 FC:205 | 65.00 OP |
| 03 FC:202 | 80.00 OP |
| 04 FC:299 | 10.00 OP |

A copy of this notice MUST be returned with the reply

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

| | |
|------------------------------------|-----------|
| 11/24/2000 BHABTEW 00000045 250780 | 09627197 |
| 01 FC:201 | 355.00 OP |
| 02 FC:203 | 150.00 OP |
| 03 FC:102 | 160.00 OP |
| 04 FC:205 | 35.00 OP |
| | 30.00 CH |
| 11/27/2000 BHABTEW 00000045 250780 | 09627197 |
| 01 FC:201 | 355.00 OP |
| 02 FC:203 | 150.00 OP |
| 03 FC:102 | 160.00 OP |
| 04 FC:205 | 35.00 OP |
| | 30.00 CH |